

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 189 Session of 2011

INTRODUCED BY DePASQUALE, SHAPIRO, MURPHY, READSHAW, FREEMAN, PAYTON, DeWEESE, SANTARSIERO, K. BOYLE, BRENNAN, CARROLL, COHEN, CONKLIN, D. COSTA, CRUZ, DEASY, DeLUCA, DERMODY, FLECK, GEIST, GIBBONS, GILLESPIE, GOODMAN, GRELL, GROVE, HALUSKA, HORNAMAN, JOHNSON, KAUFFMAN, W. KELLER, KILLION, KORTZ, KULA, MAHONEY, MANN, MARSHALL, MATZIE, MICOZZIE, MILLARD, MILLER, M. O'BRIEN, PICKETT, PRESTON, PYLE, RAVENSTAHL, REED, M. SMITH, STABACK, STERN, STURLA, SWANGER, VITALI, VULAKOVICH, WAGNER, SABATINA, SAMUELSON, GINGRICH AND BISHOP, JANUARY 24, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 24, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, prohibiting the operation of motor vehicles while
 3 using electronic wireless communications devices.

4 The General Assembly of the Commonwealth of Pennsylvania
 5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
 7 Statutes is amended by adding a section to read:

8 § 3316. Prohibiting use of electronic wireless communications
 9 devices.

10 (a) Prohibition.--Except as otherwise provided in this
 11 section, no person shall operate a motor vehicle upon a public
 12 highway and use an electronic wireless communications device to
 13 send, read or write a text message while the vehicle is in
 14 motion.

1 (b) Presumption.--An operator of a motor vehicle who uses an
2 electronic wireless communications device within the operator's
3 line of sight and arm's reach while the vehicle is in motion is
4 presumed to be using the electronic wireless communications
5 device within the meaning of this section. The presumption
6 established by this subsection is rebuttable by evidence tending
7 to show that the operator was not using the electronic wireless
8 communications device.

9 (c) Seizure.--The provisions of this section shall not be
10 construed as authorizing the seizure or forfeiture of an
11 electronic wireless communications device unless otherwise
12 provided by law.

13 (d) Applicability.--This section shall not apply to:

14 (1) the use of an electronic wireless communications
15 device for the sole purpose of communicating with any of the
16 following regarding an emergency situation: an emergency
17 response operator; a hospital, physician's office or health
18 clinic; an ambulance company or corps; a fire department,
19 district or company; or a police department; or

20 (2) any of the following persons while in the
21 performance of their official duties: a police officer or
22 peace officer; or a member of a fire department, district or
23 company.

24 (e) Penalty.--A violation of subsection (a) shall be a
25 traffic infraction and shall be punishable by a fine of not more
26 than \$100.

27 (f) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Electronic wireless communications device." An electronic

1 device that permits the user thereof to transmit a communication
2 of written text by means other than through an oral transfer or
3 wire communication as those terms are defined under 18 Pa.C.S. §
4 5702 (relating to definitions). The term does not include a
5 voice-activated global positioning or navigation system that is
6 permanently affixed to a motor vehicle.

7 "Use," "uses" or "using." The act of manually writing,
8 reading or transmitting by touching a button, key or making a
9 mark with an implement on a screen of an electronic wireless
10 communications device for the sole purpose of making a
11 communication of a text message on or through the electronic
12 wireless communications device. The term does not include such
13 act for the sole purpose of entering a number or a name on an
14 electronic wireless communications device in order to make an
15 oral communication.

16 Section 2. This act shall take effect in 60 days.